

California Victim Compensation and Government Claims Board

Open Meeting Minutes

May 22, 2007, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Happy Chastain, Deputy Secretary, acting for and in the absence of Rosario Marin, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, May 22, 2007, at 10:01 a.m. Also present were Board members Les Kleinberg, Deputy Controller, acting for and in the absence of John Chiang, Controller; and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; and Garry Ness, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Minutes of the March 15, 2007, and April 19, 2007, Board Meeting

The Board voted to adopt the minutes of the March 15, 2007, Board meeting.

The Board voted to adopt the minutes of the April 19, 2007, Board meeting. Board member Michael Ramos abstained from the vote.

Item 2. Public Comment

The Board opened the meeting for public comment. No public comment was offered.

Item 3. Executive Officer's Statement

The Executive Officer introduced the following newly appointed VCGCB staff: Garry Ness, Chief Counsel; Linda Adams, Chief Information Officer; Darnell Lawrence, Manager, Information Technology Services Section; and Tanya Little, Manager, Customer Service Section.

The Executive Officer reported that as a result of the tragic event that took place at Virginia Tech, the VCGCB distributed an article to over 100 California newspapers to enlighten and inform Californians about the availability of services to victims in California. The Executive Officer reported that the VCGCB would continue to work with newspapers to help increase awareness of the program.

Government Claims Program

Item 4. Consent Agenda (Nos. 1- 381)

Robert A. Childers, claim number G561896, appeared.

The Board voted to adopt the staff recommendations for numbers 1 through 381, with the exception of number 21, G561897 which was withdrawn and number 185, G565803, which was continued to the August Board meeting at the request of the claimant.

Item 5. Riverside County Sheriff's Office

G561500-G561507

Donna Corbin, Government Claims Coordinator, appeared on behalf of the California Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to allow the claims in the total amount of \$11,382.36 to be paid pursuant to Government Code section 13928 (legislative pay).

Item 6. Cooperative Personnel Services

G565542

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$171,821.80 to be paid under authority of Government Code section 965 (agency pay).

Item 7. Fluid Gauge Company

G565829

Mike Cabarrus, Sales Representative, appeared on behalf of Fluid Gauge Company.

Nellie Almazan appeared on behalf of the Department of Transportation.

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$72,648.85 to be paid pursuant to Government Code section 965 (agency pay).

Item 8. Shasta County

G565929

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$68,973.64 to be paid pursuant to Government Code section 965 (agency pay).

Item 9. Consideration of Organizational Applications for the 2007 California State Employees' Charitable Campaign

The Board voted to adopt the staff recommendation to approve 39 Principal Combined Fund Drive (PCFD) agencies, 1,451 affiliated PCFD affiliated organizations, and 1,295 non-affiliated PCFD organizations.

Item 10. Protest of Marshall Enterprises
Invitation for Bid 55681

Garry Ness, VCGCB Chief Counsel, recused himself from discussion because he was employed by the Department of General Services as Acting Chief Counsel at the time the protest was initiated.

Steven McGhee, Senior Staff Counsel, appeared on behalf of the Department of General Services.

Charles R. Marshall appeared on behalf of Marshall Enterprises.

The Board voted to deny the protest.

Item 11. Protest of Batteries USA, Inc.
Invitation for Bid 55123

Garry Ness, VCGCB Chief Counsel, recused himself from discussion because he was employed by the Department of General Services as Acting Chief Counsel at the time the protest was initiated.

Kathleen A. Yates, Senior Staff Counsel, appeared on behalf of the Department of General Services.

The Board voted to dismiss the protest without further hearing on the grounds that the protest fails to state a basis upon which the protest may be upheld.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 10:54 a.m.

Item 12. CaRES Report

Jim Brown, VCGCB CaRES Consultant, presented an update on CaRES, the automated claims processing project, to the Board.

Item 13. VCP Statistical Report For Third Quarter FY 06/07

Laura Hill, Deputy Executive Officer, VCP, presented the VCP Statistical Report for Third Quarter FY 06/07 to the Board.

Item 14. Consent Agenda (Nos. 1- 4)

The Board voted to adopt the staff recommendations.

Item 15. Requests for Reconsideration Recommendations: Deny (Nos. 5-9B)

The Board voted to adopt the staff recommendations to deny the reconsiderations.

Item 16. Reconsiderations Following Board Action on a Proposed Decision Recommendations: Deny (Nos. 10-20)

The Board voted to adopt the staff recommendations to deny the reconsiderations.

Item 17. Proposed Decisions Following Failure to Appear (Nos. 21- 51)

The Board voted to adopt the proposed decisions.

Closed Session

Pursuant to Government Code sections 11126(c)(3) and 11126(e), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 11:10 a.m. to deliberate on the proposed decisions, numbers 52-93, and to confer with and receive advice from counsel regarding pending litigation.

The Board reconvened into open session at 11:17 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 52-93 with the exception of number 78 which was withdrawn and number 87 which was returned to staff for further review.

Other Business

Board member Michael Ramos requested changing the date of the June VCGCB Meeting from

Thursday, June 21, 2007, to Tuesday, June 19, 2007, to avoid a scheduling conflict.

Board members Happy Chastain and Les Kleinberg agreed to changing the VCGCB meeting to the newly proposed VCGCB meeting date of June 19, 2007.

Adjournment

The Board meeting adjourned at 11:19 a.m.

Karen McGagin
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of June 19, 2007, at Sacramento, California.

Date: June 19, 2007

By: _____

Board Liaison

(Affix Seal here)